

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-11, 13 and 14 are now present in this application. Claims 1, 2, 7 and 8 are independent.

Amendments have been made to the Abstract of the Disclosure, claim 12 has been canceled, claims 13 and 14 have been added, and claims 1, 2, 7, 8, 10 and 11 have been amended. Reconsideration of this application, as amended, is respectfully requested.

I. Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority documents.

II. Drawings

Applicants acknowledge that the formal drawings have been approved by the Examiner.

III. Objection to the Oath/Declaration

The Examiner has objected to the oath/declaration because the filing dates of the foreign priority documents are incorrect.

In order to overcome this objection, Applicants are concurrently submitting a newly executed Declaration for the Examiner's approval, which addresses the deficiency pointed out by the Examiner. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

IV. Restriction Requirement

The Examiner has made the Restriction Requirement final, and has withdrawn claim 12 from further consideration. By this Amendment, Applicants have canceled non-elected claim 12. Applicants reserve the right to file a divisional application directed to claim 12 at a later date if so desired.

V. Objection to the Abstract of the Disclosure

The Examiner has objected to the Abstract of the Disclosure because of the use of legal phraseology.

In order to overcome this objection, Applicants have amended the Abstract of the Disclosure to delete the legal phraseology. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

VI. Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 10 and 11 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language is not clearly understood.

In order to overcome this rejection, Applicants have amended claims 10 and 11 to correct each of the deficiencies specifically pointed out by the Examiner by changing "sensor means" to --sensors--. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

VII. Provisional Obviousness-Type Double Patenting Rejection

Claim 1 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 09/895,083. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants have amended independent claim 1 to recite features taken from dependent claim 2, which was not included in this provisional rejection, and therefore the

amendments made to claim 1 should overcome this provisional rejection. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

VIII. Rejection Under 35 U.S.C. § 102

Claims 1 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sargeant et al '142. Further, claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Vanderheijden. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Claim 1

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a laundry washing machine including a housing, a drawer, and a rotating driving motor provided between the housing and the drawer for automatically shifting the drawer into and out of the housing. Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Sargeant et al '142 and Vanderheijden.

Applicants respectfully submit that the dishwasher of Sargeant et al. "incorporates a drawer pull" fitted to the front of the washer drawer (col. 10, lines 4-5) to allow for manual opening and closing of the drawer. Therefore, Sargeant et al. does not provide a rotating driving motor provided between the housing and the drawer for automatically shifting the drawer into and out of the housing, as now claimed.

In addition, in the device of Vanderheijden, a linearly extending ram and cylinder 25 is provided to extend and retract the door 5, which causes similar movement of the drawer 7. Therefore, Vanderheijden does not provide a rotating driving motor provided between the housing and the drawer for automatically shifting the drawer into and out of the housing, as now claimed.

Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Sargeant et al '142 and Vanderheijden, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 7

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim

7 has been amended to recite a combination of elements in a laundry washing machine including a housing, a plurality of drawers, and locking devices provided between the housing and the drawers for preventing one of the drawers from being drawn out forward from the housing when another of the drawers is located outwardly of the housing. Applicants respectfully submit that this combination of elements as set forth in independent claim 7 is not disclosed or made obvious by the prior art of record, including Sargeant et al '142.

The Examiner states that Sargeant et al. disclose a locking means being a lid lifting mechanism at col. 12, lines 22-62.

Applicants respectfully submit that the lid lifting mechanism of Sargeant et al. does not prevent one of the drawers from being drawn out forward from the housing when another of the drawers is located outwardly of the housing, as now claimed. In fact, quite the opposite is true in the dishwasher of Sargeant et al., where the drawers are all "independent" of one another which "allows for considerable flexibility" (col. 8, lines 64-65). The claimed arrangement provides a measure of safety in preventing more than one drawer from being pulled out at one time, which if allowed could cause the housing to tip over due to the change in the center of gravity.

Applicants respectfully submit that the combination of elements as set forth in independent claim 7 are not disclosed or

made obvious by the prior art of record, including Sargeant et al '142, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

IX. Allowable Subject Matter

The Examiner states that claims 2-6, 8 and 9 would be allowable if rewritten in independent form, and that claims 10 and 11 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, 2nd Paragraph

Applicants thank the Examiner for the early indication of allowable subject matter in this application. Claims 10 and 11 have been amended as set forth above in order to overcome the rejection under 35 U.S.C. § 112, 2nd Paragraph. In addition, objected-to claims 2 and 8 have been rewritten into independent form, and should therefore be allowed. Also, claims 3-6 and 9-11 depend, either directly or indirectly, from independent claims 2 or 8, and are therefore allowable based on their dependence from claims 2 or 8 which are believed to be allowable.

X. Claims 13 and 14

Claims 13 and 14 have been added for the Examiner's consideration. Applicants submit that claims 13 and 14 depend, either directly or indirectly, from independent claims 1 or 7, and

are therefore allowable based on their dependence from claims 1 or 7 which are believed to be allowable. In addition, claims 13 and 14 recite further limitations , taken from allowable claims 2 and 8, which are not disclosed or made obvious by the applied prior art references.

XI. Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

XII. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Application No.: 09/895,154
Art Unit 1746

Attorney Docket No. 2832-0139P
Amendment filed October 31, 2003
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Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: 

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Attachment: Abstract of the Disclosure